

adequate Government quarters are available but are not occupied by such employee or person.

(b) Subsection (a) does not apply during a fiscal year to an employee whose duties can be expected to require official travel during more than one-half of the number of the basic administrative work weeks during that fiscal year.

(Added Pub.L. 98-525, Title XIV, § 1401(f)(1), Oct. 19, 1984, 98 Stat. 2618.)

Effective Date. Section effective Oct. 1, 1985, see section 1404 of Pub.L. 98-525, set out as an Effective Date note under section 527b of this title.

Legislative History. For legislative history and purpose of Pub.L. 98-525, see 1984 U.S. Code Cong. and Adm. News, p. 4174.

CHAPTER 83—DEFENSE INTELLIGENCE AGENCY CIVILIAN PERSONNEL

Sec.
1604. Civilian personnel management.

1984 Amendment. Pub.L. 98-618, Title V, § 301(b), Nov. 8, 1984, 98 Stat. 3302, added item 1604.

§ 1602. Defense Intelligence Agency merit pay system

The Secretary of Defense may by regulation establish a merit pay system for such employees of the Defense Intelligence Agency as the Secretary considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401 of title 5.

(As amended Pub.L. 98-616, Title II, § 204(b), Nov. 8, 1984, 98 Stat. 3216.)

1984 Amendment. Pub.L. 98-615 substituted "section 5401 of title 5" for "section 5401(a) of title 5".

exceptions and qualifications, see section 205 of Pub.L. 98-615, set out as a note under section 5401 of Title 5, Government Organization and Employees.

Effective Date of 1984 Amendment. Amendment by Pub.L. 98-615 to be effective as of Oct. 1, 1984, and to apply with respect to pay periods commencing on or after that date, with certain

Legislative History. For legislative history and purpose of Pub.L. 98-615, see 1984 U.S. Code Cong. and Adm. News, p. 5540.

§ 1604. Civilian personnel management

(a) The Secretary of Defense may, without regard to the provisions of any other law relating to the number, classification, or compensation of employees—

(1) establish such positions for civilian officers and employees in the Defense Intelligence Agency as may be necessary to carry out the functions of such Agency;

(2) appoint individuals to such positions; and

(3) fix the compensation of such individuals for service in such positions.

(b) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in the General Schedule under section 5332 of title 5 for positions subject to such Schedule which have corresponding levels of duties and responsibilities. Except in the case of an officer or employee of the Defense Intelligence Agency serving as a member of the Defense Intelligence Senior Executive Service, no officer or employee of the Defense Intelligence Agency may be paid basic compensation at a rate in excess of the highest rate of basic pay contained in such General Schedule.

(c) The Secretary of Defense is authorized, consistent with section 5341 of title 5, to adopt such provisions of such title as provide for prevailing rate systems of basic pay and to apply such provisions to positions in or under which the Defense Intelligence Agency may employ individuals described by section 5342(a)(2)(A) of such title.

(d) In addition to the basic compensation payable under subsection (b), officers and employees of the Defense Intelligence Agency who are citizens or nationals of

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the United States and who are stationed outside the continental United States or in Alaska may be paid compensation, in accordance with regulations prescribed by the Secretary of Defense, not in excess of an allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute. Such allowances shall be based on—

- (1) living costs substantially higher than in the District of Columbia;
- (2) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or
- (3) both of the factors described in paragraphs (1) and (2).

(e)(1) Notwithstanding any other provision of law, the Secretary of Defense may, during fiscal years 1985 and 1986, terminate the employment of any civilian officer or employee of the Defense Intelligence Agency whenever he considers that action to be in the interests of the United States and he determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such officer or employee cannot be invoked in a manner consistent with the national security. The decisions of the Secretary under this paragraph are final and may not be appealed or reviewed outside the Department of Defense. The Secretary of Defense shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever this termination authority is exercised.

(2) Any termination of employment under this subsection shall not affect the right of the officer or employee involved to seek or accept employment with any other department or agency of the United States if he is declared eligible for such employment by the Director of the Office of Personnel Management.

(3) The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense or the Director of the Defense Intelligence Agency or both. An action to terminate any civilian officer or employee by either such officer shall be appealable to the Secretary of Defense.

(Added Pub.L. 98-618, Title V, § 501(a), Nov. 8, 1984, 98 Stat. 3301.)

CHAPTER 101—TRAINING GENERALLY

PART III—TRAINING

Chapter

106. Educational Assistance for Members of the Selected Reserve 2131

Sec. 2003. Aeronautical rating as pilot: qualifications.

2006. Department of Defense Education Benefits Fund.

Sec. 2007. Limitation on payment of tuition for off-duty training or education.

2008. Authority to use funds for certain educational purposes.

2009. Military colleges: female students.

1984 Amendment. Pub.L. 98-525, Title VII, § 705(a)(2), Oct. 19, 1984, 98 Stat. 2567, substituted "Members of the Selected Reserve" for "Enlisted Members of the Selected Reserve of the Ready Reserve" in the item for chapter 106.

Pub.L. 98-525, Title VII, § 706(a)(2), Oct. 19, 1984, 98 Stat. 2570, added item 2006.

Pub.L. 98-525, Title XIV, § 1401(g)(2), Oct. 19, 1984, 98 Stat. 2619, added items 2007 to 2009.

Pub.L. 98-525, Title XIV, § 1405(31), Oct. 19, 1984, 98 Stat. 2624, substituted colon for semicolon in item 2003.

§ 2001. Reserve components

Code of Federal Regulations

Policies for conducting Army's Senior Reserve Officers' Training Corps Program, sec 32 CFR 562.1 et seq.

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§ 2002. Dependents of members of armed forces: law

[See main volume for text of (a)]

(b) In this section, "dependent" has the same meaning as in title 37.

(As amended Pub.L. 98-525, Title XIV, § 1406(30), Oct. 19, 1984)

1984 Amendment. Subsec. (b). Pub.L. 98-525 substituted "In this section," for "For the purpose of this section, the word" Legislative History purpose of Pub. Cong. and Adm.

§ 2005. Advanced education assistance: active duty requirements

[See main volume for text of (a) and (b)]

(c) Subject to the provisions of subsection (d), the United States under an agreement described in subsection (b) shall provide financial assistance to a person who is a member of the United States debt owing the United States.

(d) A discharge in bankruptcy under title 11 shall not constitute a discharge of the obligation to reimburse the United States required under subsection (a) if the final decree of the discharge was issued within a period of five years after the last day of a discharge in bankruptcy in any proceeding which begins after September 30, 1984.

(e) In this section:

[See main volume for text of (1) through (4)]

(f) The Secretary concerned shall require, as a condition for the receipt of financial assistance under section 2107 or 2107a of this title, that such person enter into an agreement described in subsection (b) and shall provide financial assistance to such person if such person complies with the requirements of clauses (1) through (4) of such subsection by this subsection shall provide—

(1) that if such person fails to complete the education required in the agreement, the Secretary will have the option to reimburse the United States in the manner provided in subsection (b) without the Secretary first ordering such reimbursement; and

(2) that any amount owed by such person to the United States shall bear interest at the rate equal to the rate of interest on the day on which the reimbursement is due for securities having maturities of ninety days or less on the day on which the member is first notified of the indebtedness as a reimbursement under this section.

(As amended Pub.L. 98-94, Title X, § 1003(b)(1), Title XII, § 1268, 1984, 98 Stat. 656, 706.)

1983 Amendment. Subsec. (c). Pub.L. 98-94, § 1268(10)(A), struck out "of this section" following "subsection (d)" and following "subsection (e)".

Subsec. (d). Pub.L. 98-94, § 1268(10)(A), struck out "of this section" following "subsection (a)".

Subsec. (e). Pub.L. 98-94, § 1268(10)(B), substituted a colon for a dash following "In this section".

Subsec. (f). Pub.L. 98-94, § 1268(10)(C), substituted "of this section" for "of this section".

Effective Date of 1983 Amendment. Pub.L. 98-94, § 1268(10)(D), substituted "of this section" for "of this section".

Legislative History purpose of Pub.L. Cong. and Adm. N.

§ 2006. Department of Defense Education Benefits Fund

(a) There is established on the books of the Treasury a Department of Defense Education Benefits Fund (hereinafter